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CLEVELAND OH 44115

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MAY 07 2007

OFFICE OF PETITIONS

In re Application of :
Brady et al. : DECISION ON PETITION
Application No. 10/753,979 :
Filed: 01/08/2004 :
Attny Docket No. SCHWP0211USA :

This is a decision in reference to the paper filed on 20 February, 2007, which is treated as a the petition to withdraw the holding of abandonment under 37 CFR 1.181.

The petition is **GRANTED**.

The application became abandoned on 3 November, 2006, for failure to timely file a response to the final Office action mailed on 2 August, 2006, which set a three (3) month shortened statutory period for reply. No extensions of the time for reply in accordance with 37 CFR 1.136(a) were obtained. Notice of Abandonment was mailed on 20 February, 2007.

Petitioners state that the Office action was not received because it was incorrectly mailed to an old address. Specifically, a revocation and power of attorney and change of correspondence address was filed on 12 December, 2005, but was never entered by the Office.

A review of the Official record reveals that a revocation and power of attorney by the assignee was filed on 12 December, 2005, but was not entered by the Office. As such, the Office action mailed on 2 August, 2006, was not mailed to the correct correspondence address, but rather to the address of petitioner's former attorneys.

As such, the showing of record is that the Office erred in mailing the non-final Office action mailed on 2 August, 2006, to

the previous address rather than the current correspondence address. As the error in mailing is due to an Office error, it is appropriate to remail the Office action to the current correspondence address.

As such, there is no abandonment in fact. The holding of abandonment is withdrawn, and the Notice of Abandonment is vacated.

The Office apologizes for any inconvenience to petitioner.

The revocation and power of attorney filed on 12 December, 2005, has been accepted. A copy of the Notice Regarding Change of Power of Attorney and Notice of Acceptance of Power of Attorney are enclosed for petitioners' reference.

The address in the petition is different than the correspondence address. A copy of this decision will be mailed to the address in the petition. All future correspondence, however, will be mailed solely to the address of record.

The application is referred to the Technology Center Technical Support Staff for remailing of the Office action mailed on 2 August, 2006. The time period for reply to the Office action will be reset to run from the date the Office action is remailed.

Telephone inquiries concerning this matter may be directed to the undersigned at (571)272-3231.



Douglas I. Wood
Senior Petitions Attorney
Office of Petitions

Cc: Notice Regarding Change of Power of Attorney
Notice of Acceptance of Power of Attorney



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UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/753,979	01/08/2004	Martin Brady	723.065US1

46140

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CONFIRMATION NO. 6449



OC000000023704270

Date Mailed: 05/04/2007

NOTICE OF ACCEPTANCE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2005.

The Power of Attorney in this application is accepted. Correspondence in this application will be mailed to the above address as provided by 37 CFR 1.33.

Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199

ATTORNEY/APPLICANT COPY



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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTY. DOCKET NO./TITLE
10/753,979	01/08/2004	Martin Brady	723.065US1

Schwegman, Lundberg, Woessner & Kluth, P.A.
P.O. Box 2938
Minneapolis, MN 55402

CONFIRMATION NO. 6449



OC000000023704232

Date Mailed: 05/04/2007

NOTICE REGARDING CHANGE OF POWER OF ATTORNEY

This is in response to the Power of Attorney filed 12/12/2005.

- The Power of Attorney to you in this application has been revoked by the assignee who has intervened as provided by 37 CFR 3.71. Future correspondence will be mailed to the new address of record(37 CFR 1.33).



Office of Initial Patent Examination (571) 272-4000, or 1-800-PTO-9199
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